

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

v.

JULIEN GIRAUD JR., and
JULIEN GIRAUD III,

Defendants.

No. 1:24-CR-00768

(Chief Judge Brann)*

ORDER

AUGUST 1, 2025

In accordance with the accompanying Memorandum Opinion, **IT IS
HEREBY ORDERED** that:

1. The Girauds' motion to dismiss the indictment¹ is **DENIED** with respect to their request for dismissal;
2. The Girauds' motion to dismiss the indictment is **DEFERRED** with respect to their request to enjoin Alina Habba and any Assistant United States Attorney acting under her authority from prosecuting them;
3. To the extent not already done, the trial in this matter and all other pretrial motions are stayed pending resolution of the instant motion;

* The Honorable Matthew W. Brann, Chief United States District Judge for the Middle District of Pennsylvania, sitting by designation.

¹ Doc. 99.

4. The Court will receive supplemental briefing on the “merits” issue of whether Ms. Habba’s appointment contravenes statutory or constitutional limitations, including:
 - a. The Federal Vacancies Reform Act;
 - b. 28 U.S.C. § 546(d);
 - c. The Appointments Clause;
 - d. The Due Process Clause;
 - e. The Government’s “Special Attorney” delegation theory;
5. The Girauds’ supplemental merits brief of no more than 25 pages shall be due on Thursday, August 7, 2025;
6. The Government’s supplemental merits brief of no more than 25 pages shall be due on Tuesday, August 12, 2025;
7. The Court finds that the Association of Criminal Defense Lawyers of New Jersey’s request to submit an Amicus Brief² satisfies the applicable standard³—it may submit an Amicus Brief of no more than 20 pages by Wednesday, August 13, 2025;
8. Any other organizations or individuals who wish to submit an Amicus Brief should file a short motion to that effect and include their proposed Brief of no more than 20 pages by Wednesday, August 13, 2025;

² Doc. 112.

³ *Kyocera Doc. Sols. Am., Inc. v. Div. of Admin.*, 708 F. Supp. 3d 531, 542 n.16 (D.N.J. 2023).

9. If either party objects to the submission of an Amicus Brief, opposition to the relevant motion is due by Saturday, August 16, 2025;
10. The Court will hold a hearing and oral argument on this matter on Friday, August 15, 2025, at 10:00 a.m. at the United States Courthouse and Federal Building, Courtroom Number 1, Fourth Floor, Williamsport, Pennsylvania;
 - a. The Government should be prepared to submit firsthand evidence verifying the factual basis for its legal arguments—such evidence may take the form of an affidavit if live testimony is not feasible.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
Chief United States District Judge for
the Middle District of Pennsylvania
Specially Presiding